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ABSTRACT

A part-by-part comparison of the old Education of the Handicapped Act with the new law (P.L. 99-457) is presented. The new law reauthorizes the Education of the Handicapped Act through 1991, mandates education of handicapped children ages 3 to 5 by 1991, and adds a new Part H, which provides for early childhood intervention for handicapped children from birth to age 2. Part A, General Provisions, includes definitions and eligibility for financial assistance. Part B, Assistance for Education of Handicapped Children, includes settlements and allocations, eligibility, state plans, evaluation and preschool grants. Part C, Centers and Services to Meet Special Needs, includes regional resource centers, services for deaf-blind children and youth, early education for handicapped children; research, innovation, training and dissemination activities in connection with centers and services for the handicapped; postsecondary education programs; and secondary education and transitional services for handicapped youth. Part D, Training Personnel, includes grants and clearinghouses. Part E, Research in the Education of the Handicapped, includes research and demonstration projects, and panels of experts. Part F, Instructional Media for the Handicapped, includes centers on educational media and materials, and captioned films and educational media. Part G concerns technology, education media and materials. Part H concerns services to handicapped infants and toddlers. (KM)

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EDUCATION OF THE HANDICAPPED

THE INDEPENDENT BIWEEKLY NEWS SERVICE ON LEGISLATION, PROGRAMS AND FUNDING FOR SPECIAL EDUCATION

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Education of the Handicapped Amendments of 1986

President Reagan Oct. 8 signed S. 2294, a measure reauthorizing the Education of the Handicapped Act through 1991. The reauthorization mandates education of handicapped children ages 3 to 5 by 1991, and adds a new Part H of the act, which provides for early childhood intervention for handicapped children from birth to age 2. The following is a part-by-part comparison of the old and new laws.

PART A -- GENERAL PROVISIONS

Definitions

OLD LAW:

Defined an "institution of higher education" as an accredited institution authorized by a state to provide education leading to associate or bachelor degrees for high school graduates.

NEW LAW:

Broadens the definition of "institution of higher education" to include community colleges receiving funding from the secretary of the interior, and adds American Indian tribes under a definition of any "public or private nonprofit agency or organization."

ELIGIBILITY FOR FINANCIAL ASSISTANCE

No similar provision

To be eligible for funding to serve handicapped children ages 3 to 5 in fiscal 1987 and 1988, a state must have in place a policy and an approved state plan for providing services to those children, and the state must provide special education and related services to some, but not necessarily all, handicapped children ages 3 to 5. (more)

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ELIGIBILITY FOR FINANCIAL ASSISTANCE (Cont.)

OLD LAW:	NEW LAW:
No similar provision	For fiscal 1990 and thereafter, for a state to be eligible, it must amend its state plan to include appropriate services for 3- to 5-year-old handicapped children.
No similar provision	However, the requirement to serve all 3- to 5-year-old handicapped children by fiscal 1990 will be postponed one school year if: the aggregate funding for fiscal years 1987, 1988 and 1989 totals less than $656 million; or the aggregate spending in fiscal 1990 is less than $306 million.

PART B -- ASSISTANCE FOR EDUCATION OF HANDICAPPED CHILDREN

SETTLEMENTS AND ALLOCATIONS

Called for the maximum grant to which a state is entitled to be based on the number of handicapped children ages 3 to 21 in the state receiving special education and related services.	Calls for the maximum grant to which a state is entitled to be based on the number of handicapped children ages 3 to 5 receiving special education and related services, but only if the state is eligible for grants for those age groups, and on the number of handicapped children ages 6 to 21 who are receiving services.
Placed a 12 percent cap on the total number of handicapped children ages 5 to 17 the state could count in determining its grant allotment.	Retains the 12 percent cap, but broadens the age bracket to 3- to 17-year-olds.
Allowed states to use 5 percent, or $300,000, whichever was greater, of allocated funds for administrative costs, with the remainder designated for support and direct services, under the priorities established for determining eligibility and for submitting special education plans.	Expands the use of funds to include administrative costs of monitoring and complaint investigation. The funds may be used only for the costs that exceed the costs of administration incurred in fiscal 1985.
Directs the Education Department to make payments to the Interior Department for assistance to handicapped children attending schools on American Indian reservations operated by Interior. The amount Interior received could be no more than 1 percent of the total available to all states during any fiscal year.	Increases the amount Interior may receive to 1.25 percent of the total. Requires the interior secretary to provide assurances that handicapped American Indian children ages 3 to 5 receive a free appropriate education by or before the 1987-88 school year. (more)

ELIGIBILITY

OLD LAW:	NEW LAW:
Each state must have in effect a policy that assures all handicapped children the right to a free and appropriate education, with the state education agency responsible for assuring that all requirements of the law are being met.	P.L. 99-457 stresses interagency cooperation by stating that responsibility for providing and paying for a free and appropriate public education for all handicapped children is not limited to a state's education agency.

STATE PLANS

Each state, through its education agency, must submit to ED a plan for educating handicapped children that assures federal funds will not be mixed with state funds, but will be used to supplement and increase the level of state and local funds expended for educating handicapped children, except when a state proves that all handicapped children have available appropriate education.	P.L. 99-457 expands the provision to include state and local funds that are not under the direct control of the state or local education agencies.
State plans also must provide for annual evaluation of program effectiveness in meeting the needs of handicapped children. Each state must set up a panel to advise the state education agency of unmet special education needs and to comment publicly on proposed regulations for educating handicapped children.	Expands state plans to include policies for developing interagency agreements to define the financial responsibility of each agency for providing handicapped children with education services and to resolve interagency disputes concerning the agreements. Each plan also must outline procedures for training personnel, including certification and licensing regulations. States may not reduce medical or other assistance or alter eligibility requirements for handicapped children because of the special education services they will be provided.

EVALUATION

Directs the education secretary to collect data and conduct studies to assess progress in implementing the Education of the Handicapped Act (EHA) and the effectiveness of state and local efforts to provide public education to handicapped children. The secretary also must report to Congress regarding policymaking and provide federal, state	In addition to collecting data from the states, ED now must gather information from the Interior Department on efforts to provide free appropriate public education to all handicapped American Indian children and youth and early intervention services to handicapped infants and toddlers. It also calls for the dissemination of information from

(more)

EVALUATION (Cont.)

OLD LAW:	NEW LAW:
and local agencies with information on program management, administration and effectiveness.	studies to state agencies, regional resource centers and clearinghouses established by the EHA reauthorization.
The secretary must annually obtain counts on the number of children receiving special education services in each state, by disability category and age group; the number of handicapped children and youth participating in regular education programs, by disability category and age group; and the number of children in separate classes, separate schools or facilities, or who have been otherwise removed from the regular education environment.	P.L. 99-457 expands ED's evaluation duties to include dissemination of information on early intervention programs for handicapped infants and toddlers from birth to age 2 and handicapped preschoolers ages 3 to 5.
Authorization levels for evaluation were $3.1 million in fiscal 1984, $3.27 million in fiscal 1985 and $3.44 million in fiscal 1986.	**Authorization levels for evaluation are $3.8 million in fiscal 1987, $4 million in fiscal 1988 and $4.2 million in fiscal 1989.**
INCENTIVE GRANTS	PRESCHOOL GRANTS
ED was required to make grants to states that met eligibility requirements of EHA, had approved state plans and provided special education to handicapped children ages 3 to 5. The maximum grant amount was $300 for each child served by the state. Such sums as necessary were authorized to pay for the grant program.	P.L. 99-457 replaces incentive grants with a preschool grant program. States that already provide special education and related services to handicapped children ages 3 to 5 will be eligible for grants at a rate of $300 per child during fiscal 1987. The amount is authorized to increase to $400 per child in 1988 and $500 in 1989.
No similar provision	If the grant program continues in 1990, the amount per child may not exceed $1,000.
No similar provision	The grant amount may not exceed $3,800 for each child ages 3 to 5 who begins receiving special education services. After the first year of service to each child, the grant amount will be at the same level as for children already being served.
No similar provision	From fiscal 1990 on, grants may be made only to states that assure the availability of a free and

(more)

INCENTIVE GRANTS (Cont.)

OLD LAW:

PRESCHOOL GRANTS (Cont.)

NEW LAW:

appropriate public education for all handicapped children ages 3 to 5, except if the aggregate amount of grants for fiscal 1987, 1988 and 1989 totals less than $656 million, and the amount appropriated in fiscal 1990 is less than $306 million. Under those conditions, states have one more year to make the assurances of a free and appropriate education for the 3- to 5-year-olds.

No similar provision

For fiscal 1987, states must distribute at least 70 percent of the grants to local education agencies and intermediate education units, using not more than 25 percent of the funds for planning and developing a comprehensive delivery system for the grant, and no more than 5 percent of the grant for related administrative expenses.

No similar provision

In fiscal 1988, those figures are to change to 75 percent, 20 percent and 5 percent, respectively.

PART C -- CENTERS AND SERVICES TO MEET SPECIAL NEEDS

REGIONAL RESOURCE CENTERS

Provided for setting up regional resource centers, which are to provide consultation, technical assistance and training to state and local education agencies. The centers are designed to identify and solve persistent problems in providing special education services; assist in replicating successful programs and practices; provide pertinent information to all state agencies; coordinate activities with other centers; and assist in improving information dissemination and training for professionals and parents of handicapped children.

Under P.L. 99-457, resource centers also are to provide information to, and training for, agencies regarding techniques and approaches for fulfilling EHA, including training personnel, education research, instructional media and providing technology, educational media and materials to aid in the education of the handicapped.

No similar provision

Under P.L. 99-457, ED may establish a coordinating center to assist the

(more)

REGIONAL RESOURCE CENTERS (Cont.)

OLD LAW:	NEW LAW:
	regional resource centers in providing technical assistance services.
Authorized at $5.7 million in fiscal 1984, $6 million in fiscal 1985 and $6.3 million in fiscal 1986.	**Authorized at $6.7 million in fiscal 1987, $7.1 million in fiscal 1988 and $7.5 million in fiscal 1989.**

SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH

ED must guarantee the provision of special education and related serices to deaf-blind children and youth, as well as vocational and transitional services to facilitate their transition from education to other services.	ED is authorized to offer grants or make cooperative agreements with education agencies, institutions or organizations to develop extended school year demonstration programs for severely handicapped children and youth, including those who are deaf or blind.
Authorized at $15 million in fiscal 1984, 1985 and 1986.	**Authorized at $15.9 million in fiscal 1987, $16.8 million in fiscal 1988 and $17.8 million in 1989.**

EARLY EDUCATION FOR HANDICAPPED CHILDREN

Authorized ED to arrange for the development of experimental preschool and early education programs. The programs are to facilitate the development of handicapped preschoolers on all levels and encourage parent participation and community awareness. Federal contributions were to total no more than 90 percent of program costs.	Requirements are expanded so that the programs offer training on exemplary programs to state and local personnel. ED may pay more than 90 percent of costs in agreements with American Indian tribes on reservations and arrange for technical assistance to aid states in expanding and improving the programs.
No similar provision	P.L. 99-457 also provides for the establishment of early childhood research institutes covering programs for handicapped children from birth to age 8.
Authorized at $26 million in fiscal 1984, $27.1 million in fiscal 1985 and $28.3 million in fiscal 1986.	**Authorized at $24.47 million in fiscal 1987, $25.87 million in fiscal 1988 and $27.41 million in 1989.**

RESEARCH, INNOVATION, TRAINING AND DISSEMINATION ACTIVITIES IN CONNECTION WITH CENTERS AND SERVICES FOR THE HANDICAPPED

Grants, cooperative agreements and contracts were authorized to be set up with organizations or institutions to research the needs of han-	The wording remains the same, but the section is given a new title: "Programs for Severely Handicapped Children." (more)

RESEARCH, INNOVATION, TRAINING AND DISSEMINATION ACTIVITIES (Cont.)

OLD LAW:	NEW LAW:
dicapped children and youth; develop or demonstrate methods and approaches in educating the children; train personnel for the programs; and disseminate information and materials on effective programs.	
Authorized at $5 million in fiscal 1984, $5.3 million in fiscal 1985 and $5.6 million in fiscal 1986.	**Authorized at $5.3 million in fiscal 1987, $5.6 million in fiscal 1988 and $5.9 million in fiscal 1989.**

POSTSECONDARY EDUCATION PROGRAMS

ED is authorized to make grants to state education agencies and higher education institutions to develop, operate and provide information on model programs of postsecondary, vocational, technical, continuing or adult education for handicapped individuals. Priority consideration is given to the four regional centers for the deaf and to model programs for handicapping conditions other than deafness. At least $2 million should be available to the regional centers for the deaf.	Under P.L. 99-457, those operating such programs are required to coordinate efforts with a clearinghouse on postsecondary programs established under the reauthorization.
No similar provision	At least a year before the termination of any agreement with one of the regional centers for the deaf, ED must give notice in the Federal register of intent to accept applications for the grant or contract.
Authorized at $5 million in fiscal 1984, $5.3 million in fiscal 1985 and $5.5 million in fiscal 1986.	**Authorized at $5.9 million in fiscal 1987, $6.2 million in fiscal 1988 and $6.6 million in fiscal 1989.**

SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH

ED is authorized to make grants with various institutions, including state job training coordinating councils, to strengthen and coordinate education and related services for handicapped youth to assist in the transitional process to postsecondary education, vocational training, competitive employment or adult services.	Under P.L. 99-457, projects also should develop special education curriculum and instructional techniques that will improve handicapped students' transition to adult life and services. They also should design physical education and therapeutic recreation programs to increase the potential of handicapped youths for community participation.
No similar provision	The law authorizes grants for the

(more)

SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH (Cont.)

OLD LAW:	NEW LAW:
	development of, or improvement in, methods that will contribute to the adjustment and education of handicapped children and youth and the dissemination of materials concerning effective procedures.
Authorized at $6 million in fiscal 1984, $6.33 million in fiscal 1985 and $6.66 million in fiscal 1986.	**Authorized at $7.3 million in fiscal 1987, $7.7 million in fiscal 1988 and $8.1 million in fiscal 1989.**

PART D -- TRAINING PERSONNEL

GRANTS FOR PERSONNEL TRAINING

ED is authorized to make grants to institutions of higher education and other appropriate nonprofit agencies to assist them in training personnel for careers in special education including teaching, related services, administration, research and personnel training.	P.L. 99-457 says the criteria for awarding grants should include present and projected personnel needs, based on the identification of personnel shortages and the institution's capacity to train qualified personnel.
Separate grants are provided to private nonprofit organizations to provide training and information to parents of handicapped children and volunteers working with children.	In addition, ED should provide technical assistance by grant or contract for establishing, developing and coordinating parent training and information programs.

GRANTS TO STATE EDUCATIONAL AGENCIES AND INSTITUTIONS FOR TRAINEESHIPS

ED is required to provide grants to state education agencies and higher education institutions for preservice and inservice training of special education teachers and their supervisors.	P.L. 99-457 expands the provision to include grants for similar training for meeting the needs of handicapped infants and toddlers.

CLEARINGHOUSES

ED was required to set up a national clearinghouse to disseminate information and provide technical assistance to parents and professionals for meeting the needs of handicapped children. The clearinghouse is to encourage students to choose careers in the special education field and	P.L. 99-457 expands the national clearinghouse's scope to include dissemination of information on current and future needs for special education professionals, dealing with high school counselors and others concerning current career opportunities and the availability of

(more)

CLEARINGHOUSES (Cont.)

OLD LAW:	NEW LAW:
provide information on available services in postsecondary education for the handicapped.	financial assistance. The law expands on the duties of the clearinghouse to include identifying training programs nationwide and establishing a network among state and local education agencies and higher education institutions concerning the supply of graduates.
Part D was authorized at $58 million in fiscal 1984, $61.15 million in fiscal 1985 and $64.37 million in fiscal 1986. The national clearinghouse was authorized at $1 million in fiscal 1984, $1.05 million in fiscal 1985 and $1.11 million in fiscal 1986. Ten percent of the funds are reserved for grants to train parents.	**Part D is authorized at $70.4 million in fiscal 1987, $74.5 million in fiscal 1988 and $79 million in fiscal 1989. Authorization for the national clearinghouse is $1.2 million in fiscal 1987, $1.9 million in fiscal 1988 and $2 million in fiscal 1989. Ten percent of the total funding is reserved for grants for training parents, and 65 percent must go toward training special education teachers, researchers and administrators.**

PART E -- RESEARCH IN THE EDUCATION OF THE HANDICAPPED

RESEARCH AND DEMONSTRATION PROJECTS

Research and related activities to assist personnel and parents in improving the quality of service to handicapped children is to be funded through grants, contracts or cooperative agreements among ED and state or local education agencies and higher education institutions.	Now, research and related services must address the needs of handicapped infants and toddlers as well as children and youth. Researchers are to develop instruments for measuring progress of handicapped children of all ages.

PANELS OF EXPERTS

The law told ED to set up panels of experts to evaluate project proposals, from which ED is to draw advice and recommendations before finalizing grants or contracts. The panels are to consist of professionals from the special education field, handicapped individuals and parents of handicapped individuals.	P.L. 99-457 clarifies the duties of the panels, requiring that they be convened for any application for more than $60,000, and may be convened for applications requesting lesser amounts. The majority of panel members must not be federally employed.
Part E was authorized at $20 million in fiscal 1984, $21.1 million in fiscal 1985 and $22.2 million in fiscal 1986.	**Part E is authorized at $18 million in fiscal 1987, $19 million in fiscal 1988 and $20.1 million in fiscal 1989.** (more)

PART F -- INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

CENTERS ON EDUCATIONAL MEDIA AND MATERIALS

OLD LAW:

Centers on educational media and materials for the handicapped were to be operated through grants provided to education agencies. The centers are to provide a comprehensive program of activities to facilitate the use of new education technology in programs for handicapped people, including the design, development and adaptation of materials.

NEW LAW:

Repealed in P.L. 99-457.

CAPTIONED FILMS AND EDUCATIONAL MEDIA

Directed ED to establish a loan service of captioned films and educational media to make materials available to handicapped persons, the rights of which were to be acquired through purchase, lease or gift. Captioning of films was to be provided through grant or contract. The material was to be distributed through the schools for the handicapped and other agencies. Ordered research on the use of educational and training films and other media for the handicapped, and training personnel to use the media.

P.L. 99-457 says the use of various educational media should address illiteracy among the handicapped. ED may form agreements with the National Theatre of the Deaf Inc. to provide theatrical experiences to enrich the lives of deaf children and adults, increase public awareness of deafness and promote the integration of hearing and deaf people through shared cultural experiences.

Part F was authorized at $19 million in fiscal 1984, $20 million in fiscal 1985 and $21.1 million in fiscal 1986.

Part F is authorized at $15 million in fiscal 1987, $15.75 million in fiscal 1988 and $16.54 million in fiscal 1989.

PART G -- TECHNOLOGY, EDUCATION MEDIA AND MATERIALS

FINANCIAL ASSISTANCE

No similar provision

This new part directs ED to advance the use of new technology, media and materials in the education of handicapped students and the provision of early intervention to handicapped infants and toddlers through agreements between with education agencies and institutions.

No similar provision

It also directs ED to determine the

(more)

FINANCIAL ASSISTANCE (Cont.)

OLD LAW:	NEW LAW:
	current use of technology and educational media in handicapped education, as well as how they can be used more effectively. The law calls for the design and adaptation of technology use in teaching handicapped students.
Not previously authorized	**Authorized at $10 million in fiscal 1987, $10.5 million in fiscal 1988 and $11 million in fiscal 1989.**

PART H -- HANDICAPPED INFANTS AND TODDLERS

FINDINGS AND POLICY

The new part addresses the need to enhance the development of handicapped infants and toddlers and to minimize their chances for developmental delay. Such early intervention, says the law, will reduce the total costs of special education by minimizing the need for services once the child reaches school age. It also would reduce the need for eventual institutionalization of the child while increasing his or her chances of independent living.

P.L. 99-457 calls for early intervention services for handicapped infants and toddlers and their families that must be carried out in each state through comprehensive, multidisciplinary efforts involving various state agencies and which must enhance existing early intervention programs.

Handicapped infants and toddlers are defined as those children from birth to age 2 who need early intervention services because they are developmentally delayed or have a diagnosed physical or mental condition that may result in developmental delay.

DEFINITIONS

P.L. 99-457 says early intervention services must be provided under public supervision, at no cost to the families of the handicapped infants and toddlers, unless the state provides a payment system for families, including a schedule of sliding fees.

The services should be designed to meet each child's needs in physical, cognitive, language and speech, psycho-social and self-help skills development.

Services, provided by qualified personnel, should include family training, counseling and home visits, special instruction, speech pathology and audiology, occupational therapy, physical therapy, psychological services, case management services, medical services only for diagnostic or evaluation purposes, early identification, screening and assessment services and health services necessary to enable the infant or toddler to benefit from the early intervention services. (more)

GENERAL AUTHORITY

ED is to make grants to states to assist them in developing the services.

GENERAL ELIGIBILITY

A state becomes eligible for grants by establishing a state interagency coordinating council to oversee the programs.

CONTINUING ELIGIBILITY

To be eligible the first two years of the authorization, a state must include in its grant application assurances that funds received will be used to plan, develop and implement the required statewide system of early childhood intervention.

In the third and fourth years of reauthorization, a state must demonstrate in its application that it has adopted a statewide system, that funds will be used to plan, develop and implement the system and that the system will be in effect no later than the fourth year of the state's participation in the grant program.

In the third year, a state that has not developed a statewide program still may be eligible for a grant if it outlines the reasons for not meeting the deadline and demonstrates that the statewide system will be set up by the fourth year. In the fifth and succeeding years, a state will be eligible for funding if it has a statewide system and provides a description of its services in its application.

States that already provide free appropriate education to handicapped infants and toddlers by state law are eligible for grants in each of the first four years of the program.

REQUIREMENTS FOR A STATEWIDE SYSTEM

Minimum components of a statewide system include: a definition of developmentally delayed; timetables for ensuring that appropriate early intervention services will be available to all handicapped infants and toddlers in the state before the beginning of a state's fifth year in the program; an evaluation of the functioning of each handicapped infant and toddler in the state and the needs of the family to assist in each child's development; an individualized family service plan for each child covered under the program; a comprehensive system for identifying handicapped children to serve; a public awareness program focusing on early identification of handicapped infants and toddlers; a central directory of early intervention services, resources and personnel in the state; and a comprehensive system of personnel development.

Each governor must designate a lead agency to carry out the grant's administration, coordinate resources and assign financial responsibility to the appropriate agency. The lead agency also should develop procedures to ensure that services are provided to the children and their families. It also will be responsible for resolving disputes within and between agencies.

The state should have a policy regarding contracting with providers of early intervention services, a procedure for securing timely reimbursement of funds and policies relating to maintaining standards, including certification and licensing procedures.

(more)

REQUIREMENTS FOR A STATEWIDE SYSTEM (Cont.)

A system for compiling data on the number of handicapped infants and toddlers should be instituted.

INDIVIDUALIZED FAMILY SERVICE PLAN

Part H calls for the assessment of the needs of each infant or toddler and the family and the development of a written individualized family service plan, which should be reviewed at least yearly.

Early intervention services may begin before the individual plan is developed, although the plan must be developed promptly after assessment.

The plan, according to P.L. 99-457, should contain a statement of the infant's or toddler's current developmental levels, a statement of the family's needs, an outline of specific early intervention services necessary, the projected dates for services to begin and the anticipated duration, the name of the case manager and transitional steps to be taken as the child grows.

STATE APPLICATIONS AND ASSURANCES

Each application must include designation of the state's lead agency and demonstration of eligibility for the grant. The state also must demonstrate that it has given adequate notice, held public hearings and offered an opportunity for public comment on the application. The application also must state how funds will be expended.

The state must provide assurances that funds will be used in compliance with the act and must provide for any reports ED may require. The state also must guarantee that federal funds will not be mixed with state funds, but will be used to supplement the level of state and local funds expended on early intervention services.

USES OF FUNDS

States also may use funds for direct services for handicapped infants and toddlers not otherwise provided from other public or private sources, and for expanding and improving existing services.

PROCEDURAL SAFEGUARDS

Required procedural safeguards must provide for timely resolution of complaints by parents. Aggrieved parties have the right under Part H to bring civil action in court.

Confidentiality must be guaranteed, and parents and guardians must have the opportunity to examine records relating to assessment of the children covered and the implementation of the individual family service plan.

The rights of the handicapped infants and toddlers must be protected when the parents are unknown or unavailable or if the child is a ward of the state.

The service provider must give parents or guardians written notice, in their native language, if there will be a change in the type of service.

In the event of a dispute, the child will continue to receive services already being provided, or those services that are undisputed. (more)

PAYOR OF LAST RESORT

Funds provided for early childhood intervention services must not be used to pay for a financial commitment that would have been covered by another source, except when it is necessary to prevent a delay in providing service. A state will not be permitted to reduce medical or other assistance available to handicapped infants and toddlers.

STATE INTERAGENCY COORDINATING COUNCIL

A state applying for financial assistance for early childhood intervention services must establish an interagency coordinating council of 15 members, composed of at least three parents of handicapped children, at least three public or private providers of early childhood intervention services, at least one representative of the state legislature, at least one person involved in personnel preparation and other members representing the appropriate agencies involved in providing or paying for the services.

The functions of the council are to advise and assist the lead agency in fulfilling its responsibilities and submit an annual report to the governor on the status of the programs. The council may hire staff, with the approval of the governor, to carry out its functions, and it is to meet at least quarterly, following public announcements, in sessions open and accessible to the public.

Already existing comparable councils may be used, but within four years, states must set up councils complying in full with P.L. 99-457.

ALLOCATION OF FUNDS

ED may reserve 1 percent of the funding each fiscal year for Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau and the Commonwealth of the Northern Mariana Islands.

Payments must be made to the interior secretary according to the need for the provisions of early intervention services to residents of American Indian reservations served by elementary and secondary schools operated by the Interior Department.

For 1987 through 1991, after payments are made to the Interior Department and U.S. territories, the remainder should be paid to states, with the allotment for each state based on the number of infants and toddlers in the state in relation to the total number of infants and toddlers nationwide, to be determined through census data. No state may receive more than 0.05 percent of the remaining funds. If a state does not apply, its allotment will be divided among the other states.

Part H is authorized at $50 million in fiscal 1987, $75 million in fiscal 1988 and such sums as necessary in the three succeeding years.

This supplement was written and compiled by Siobhan Dugan, a reporter for Education Daily and editor of Education of the Handicapped.